



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114

DIVISION OF
WATER RIGHTS

HUBERT C. LAMBERT
STATE ENGINEER

March 19, 1970

Mr. Vern A. Pickrell, President
Escalante Valley Water Users Association
Newcastle, Utah 84756

Dear Mr. Pickrell:

Re: Berg Enterprise

This is in response to your letter of March 7, 1970 concerning Application to Appropriate No. 39348, the pending general adjudication proceedings, the over-pumpage, and the delinquent water assessments in the Escalante Valley area.

As you may be aware, Application No. 39348, filed by Byron Christensen, was protested by numerous water users in your area. Therefore, it is necessary to hold an administrative hearing on this matter before issuing a decision, and a hearing has been set for April 22, 1970 at 1:00 p.m. in Parowan. Following the hearing a Memorandum Decision will be issued on this application.

We have been in touch with Judge McCune regarding the trial of the pending general adjudication of water rights in the Escalante Valley area. He fixed the date of April 23, 1970 as the date for pre-trial hearings on the Parowan Valley Division, Cedar City Valley Division, and the Escalante Valley Division. However, yesterday we were advised by Judge McCune that he now has a conflict with the hearing date of April 23 and has now fixed May 20, 1970 as the pre-trial date for these matters. Notices of this change will be directed to all protestants. At this pre-trial hearing we will request the court to approve the Revised Determination of water rights subject only to those protests which are pending and will also request an early hearing date for those protests which cannot be resolved. We also intend to present the matter of over-pumpage to the court at the May 20 hearing. As you are undoubtedly aware, the duty of four acre-feet per acre has been protested by a number of water users in this area.

Mr. Vern A. Pickrell

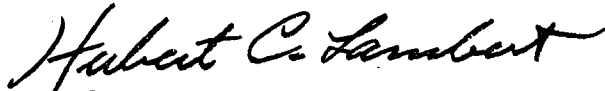
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March 19, 1970

We are initiating a new procedure to collect the delinquent water users assessments in your area. This involves action to forbid the use of water until the delinquent account is paid. In the event that it is not paid the water user's diversion works will be closed and posted until the delinquency is paid. The directive from this office to implement this procedure will be sent to the affected water users not later than next week. I appreciate your concern over the accumulated delinquencies and I believe this new procedure will result in collecting these accounts.

I want to thank you for your interest and concern in these matters. I now feel that we have some affirmative steps which will result in solving these problems. If you have any additional questions concerning any of these items, please contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Hubert C. Lambert".

Hubert C. Lambert
STATE ENGINEER

bc: Gerald W. Stoker
Earl M. Staker
Donald C. Norseth ✓
Harold D. Donaldson

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Newcastle, Utah
March 7, 1970

Mr. Hubert C. Lambert, State Engineer
Division of Water Rights,
Department of Natural Resources
442 State Capitol
Salt Lake City, Utah 84114

Dear Mr. Lambert:

At the annual meeting of the Escalante Valley Water User's Association, held February 4, 1970 there was a considerable amount of discussion which indicated in general a lack of satisfaction. The group of water users assembled expressed the idea of being fed up with promises and threats and no action. They have been assessed tens of thousands of dollars and feel they have actually received nothing in return. Those who haven't paid their assessments are still allowed to pump. Those pumping over 4 acre feet per acre are still allowed to pump. No one has their final adjudication. The Board of Directors asked me to write to you regarding these matters.

First, it seemed unreasonable to those present at the annual meeting that the State Engineer would allow some 32 pumpers to become delinquent (some for several years) in an amount equal to approximately one-half of our annual budget and still allow the same to continue pumping. Some present at the meeting said the failure of the State Engineer to collect the assessments and the failure to stop the pumping at the mine was the reason they had refused to pay their assessments.

Secondly, it was deemed necessary that in some way the final adjudication of the water rights for this area should be finalized. The State Engineer was urged to use all possible means at his command to help speed up said final adjudication and cooperate with the courts to the same end.

Third, the fact that the State Engineer has, to date, failed to rule on Application #39348 (71-7073) of Byron Christiansen of Tooele for 50.0 second feet of water, was viewed with considerable apprehension. It was explained by those representing the State Engineer that it was highly unlikely an application of this nature would be granted and presently it was "pidgeon-holed". There was a strong expression from several that definite action SHOULD be taken by the State Engineer in an application of this nature, and DEFINATELY DENIED instead of just "pidgeon-holing" it.

May we respectfully urge your consideration and cooperation in the above-mentioned matters.

Sincerely,

Vern A. Pickrell

Vern A. Pickrell, President
Escalante Valley Water User's Association

VP/jm

